

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

December 14, 2007

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

SUBJECT: Approval to Issue Three (3) Revocable Permits at Ahupua'a 'O Kahana State
Park, Ko'olauloa, O'ahu for Residential and Agricultural Purposes
TMK: (1) 5-2-02: por. 1

The Department of Land and Natural Resources, through the Land Division, has issued month-to-month revocable permits for residential and agricultural purposes at Kahana State Park since the 1980s. Land Division informed State Parks that the remaining permits will be terminated on December 31, 2007 and new permits must be issued by State Parks. State Parks is recommending that three revocable permits be continued with the issuance of new permits in the locations shown on Attachment A.

Background

In 1986, revocable permits for residential and agricultural purposes were issued to the 31 families who had continued to reside in Kahana since 1970 when the State acquired the 5,280-acre property for park purposes. Act 5, enacted by the State Legislature in 1987, authorized the State to enter into residential leases with those holding residential permits. The 31 permittees signed a 65-year residential lease with the State in 1993. Many residents held both a revocable permit and a lease during the time they were residing in their old house and building their new house. Once they moved into their new house, the permit was to be terminated.

State Parks began the issuance of permits in Kahana when a pasture permit was issued to a Kahana lessee in October 2007 for the boarding of 3 horses. The permit encompasses approximately 5 acres of land that was traditionally used by the family for this purpose under the earlier residential permit. This permit was approved by the Land Board in 2004 as this activity maintains the rural lifestyle of the residents in Kahana.

Permits for Residential Purposes

In the case of lessee Adella Johnson, she held RP 6953 and signed a lease (S-5291) for Lot B-1 on Trout Farm Road in 1993. However, during the subdivision for the lease lots, her lot was incorrectly surveyed. This resulted in her house being situated outside the lot boundaries (Attachment B). There have been several attempts by the State to consolidate and resubdivide the lot so that it encompasses her existing house structure. Most recently, M&E Pacific has been hired as a consultant to address this matter. However, until the resubdivision is complete, a permit needs to be issued to Ms. Johnson to address her current house location. The area covered under this permit is estimate to be 10,000 sq. feet, which is the average size of the houselots in Kahana. The current rent is \$33.00 per month.

The other permit for residential purposes will be issued to Ms. Lena Soliven who continues to reside on the permitted area previously held by her mother, Puanani Martinez. Ms. Martinez was assigned lease S-5300 and completed her house several years, but her daughter was allowed to remain on the permitted property under RP 7245 because she qualified for one of the new leases created when State Parks moved to forfeit three leases in 2001. The boundaries of the permit have been reduced to about 25,000 sq. feet and include the two existing house structures, lanai building, and yard area (Attachment C). State Parks is working with Ms. Soliven to insure that she has the resources to construct a new house before moving ahead with the assignment of a new lease within the next 6 months. In the meantime, the issuance of a revocable permit will allow her to stay on the property until the assignment of lease is approved and she is able to construct a new house. The rent for the reduced area is expected to be around \$40 per month.

Permit for Agricultural Purposes

Many of the initial permits issued in 1986 included agriculture because residents were growing plants in garden areas adjacent to their houses. In the case of the Alonzo family living along Kamehameha Highway, they planted a ti farm around their residence and their permit encompassed almost 6 acres (Attachment D). The permit (RP 6252) for residential and agricultural purposes was originally issued to Tranquilino Alonzo, now deceased. The lease (S-5278) for Lot 4-A, approximately 10,000 sq. feet, was signed by his daughter, Erline Alonzo Greer in 1993. The permit for agricultural purposes to grow and harvest the ti leaves was retained by Alonzo's wife, Erlinda Alonzo Villanueva. Ms. Villanueva continues to maintain the ti farm, but does not live on the property. The new permit for approximately 6 acres will correspond to the previous permit boundaries and exclude the leased house lot. The current rent is \$90 per month. Because this is a relatively large area that has been farmed for over 10 years, State Parks will require the permittee to prepare an agricultural plan to insure that best farming practices are being followed and that the boundaries of the permit accurately reflect the area being farmed.

RECOMMENDATION:

That the Board of Land and Natural Resources authorize the Division of State Parks to issue three (3) month-to-month revocable permits at Ahupua'a 'O Kahana State Park for residential and agricultural purposes. The permits for residential purposes should not extend beyond two years and will be subject to annual review and approval by the Board.

1. Authorize the issuance of a revocable permit for residential purposes to Adella Johnson covering approximately 10,000 sq. feet in the area of her existing housesite along Trout Farm Road.
2. Authorize the issuance of a revocable permit for residential purposes to Lena Soliven covering approximately 25,000 sq. feet in the area of her existing housesite along Kamehameha Highway.
3. Authorize the issuance of a revocable permit for agricultural purposes to Erlinda Villanueva covering approximately 6 acres along Kamehameha Highway.

That the Board authorize the current permittees to remain on the property and use the land for the stated purpose in the permits upon termination of the existing permits on December 31, 2007 until a new permit is issued. Permittees will be responsible for back rent effective January 1, 2008 upon the signing of the new permit with the Division of State Parks. The Department will retain deposits placed on the permits to be terminated and apply these deposits to the new permit since there is no change in the individual to whom these permits are issued.

All these permits will be subject to the following:

- Standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- Review and approval by the Department of the Attorney General;
- Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully submitted,

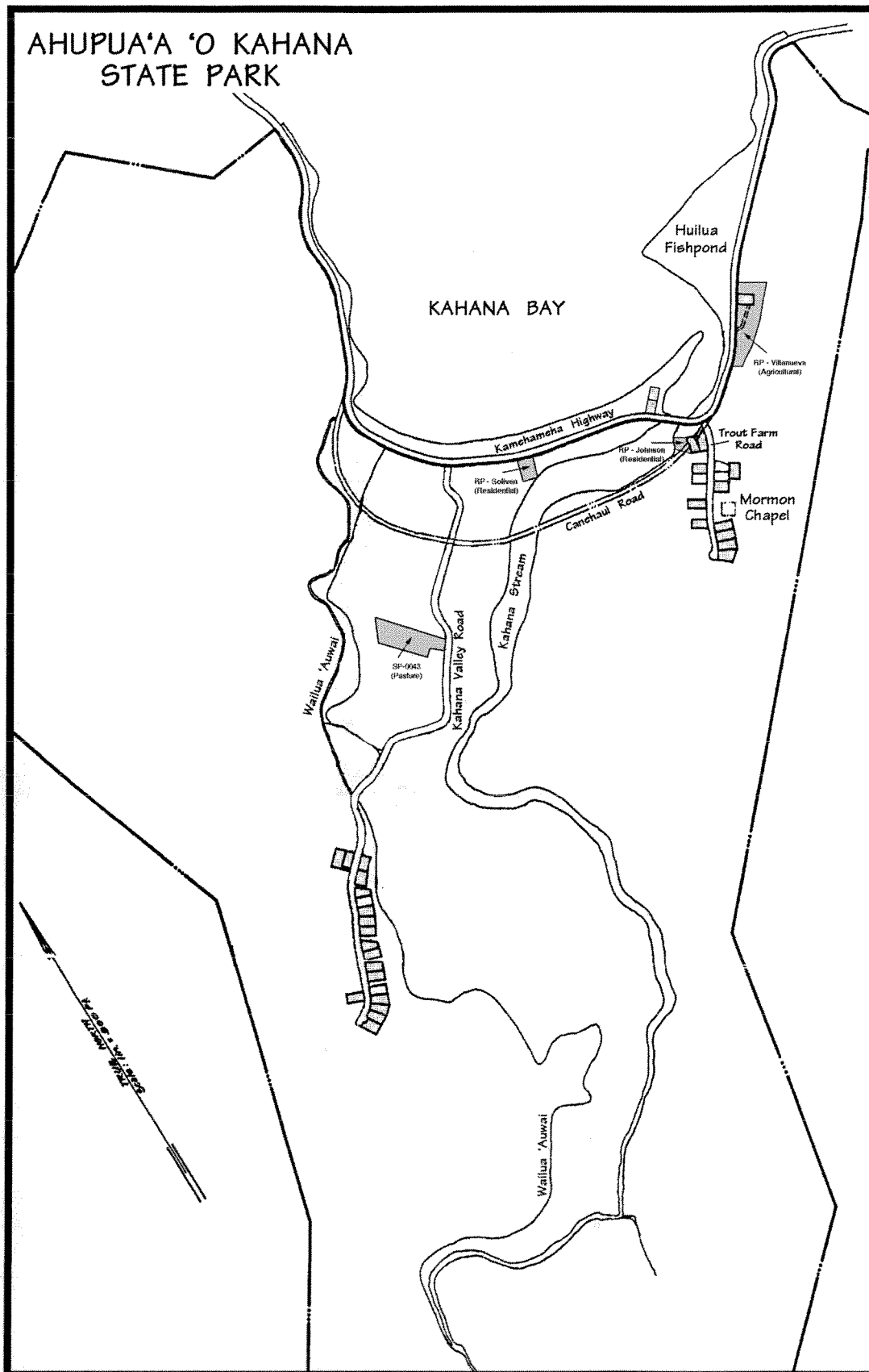


DANIEL S. QUINN
State Parks Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN, Chairperson



KAMEHAMEHA HWY.

REVOCABLE PERMIT
Adella Johnson

LOT B-1
6158 SQ. FT.

LOT B-2
9789 SQ. FT.

TROUT FARM ROAD EXCLUSION 29

Existing House
Conc. Slab
Carport
Storage Shed
Kennel
Imu

1037 SQ. FT.

KAMEHAMEHA HWY.

REVOCABLE PERMIT
Adella Johnson

LOT B-1
6158 SQ. FT.
Existing House
Conc. Slab
Kennel

LOT B-2
9789 SQ. FT. Existing House
Storage Shed
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